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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,234	01/23/2004	Rajnish Batlaw	5729	8486

7590 03/08/2007  
John E. Vick, Jr.  
Legal Department  
M-495  
PO Box 1926  
Spartanburg, SC 29304

EXAMINER
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DANIELS, MATTHEW J

ART UNIT	PAPER NUMBER
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1732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/764,234	BATLAW ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stefan Staicovici	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-12, 15, 23, 24, 28, 29, 31, 38, 40, 43, 44, 47, 48 and 50-98 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56-70, 72-84, 86-97 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**Continuation of Disposition of Claims: Claims withdrawn from consideration are 9-12,15,23,24,28,29,31,38,40,43,44,47,48,50-55,71,85 and 98.**

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicants' amendment filed August 31, 2006 has been entered. Claims 9-12, 15, 23-24, 28-29, 31, 38, 40, 43-44, 47-48, 50-98 are pending in the instant application. Claims 9-12, 15, 23-24, 28-29, 31, 38, 40, 43-44, 47-48, 50-55, 71, 85 and 98 are withdrawn from consideration.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 56-58, 64-70, 72-74, 78-84 and 86-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga *et al.* (US Patent No. 5,286,540) in view of Oas *et al.* (US Patent No. 4,357,288).

Suga *et al.* ('540) teach the basic claimed process of injection stretch blow molding of a polypropylene container including, providing a polypropylene based composition having a melt flow index of about 0.2-50 g/10 min (see col. 3, lines 60-63), injecting said composition into a mold to form a preform having a wall thickness of 1.5-6 mm, cooling and removing said preform from said injection mold, reheating said preform and blow molding said preform in a subsequent molding step to form said container having a wall thickness of 0.3 mm (11.8 mils) (see col. 4, lines 3-30 and col. 7, line 1).

Regarding claims 56, 57 and 72, although Suga *et al.* ('540) teach an injection stretch blow molding process, Suga *et al.* ('540) do not teach an injection mold fill rate of at least 5 g/sec, specifically of about 5-22 grams/second. Oas *et al.* ('288) teach a process for making a clear, polypropylene container including, injection molding a cylindrical parison having an outer diameter of 1.5 inches, a wall thickness of 0.16 inches and a height of 4.3 inches (see col. 6, lines 7-25). As known, the mass of an object is the product of the density and the volume of said object. In this case, a simple calculation results in a volume of  $2.89 \text{ in}^3$ . It is submitted that the density of polypropylene is  $0.9 \text{ g/cm}^3$ , which is about  $14.74 \text{ g/in}^3$ . Hence, the amount (mass) of polypropylene being injected is about 42.6 g. Oas *et al.* ('288) further teach a filling time of about 3-10 seconds (col. 5, lines 20-21). Hence, the injection mold fill rate is about 4.26-14.2 g/seconds. Therefore, it would have been obvious for one of ordinary skill in the art to provide a mold fill rate of about 4.26-14.2 g/seconds as taught by Oas *et al.* ('288) in the process of Suga *et al.* ('540) because Oas *et al.* ('288) specifically teach that such a fill rate avoids melt fracture or shearing of the polymeric material, hence providing for an improved product.

Further regarding claims 56 and 72 and in regards to claims 64-67 and 78-81, Oas *et al.* ('288) teach a polypropylene container having a wall thickness of 15-30 mils and a haze of 2-8%, hence teaching a haze per mil to be about 0.067-0.534 %/mil. Therefore, it would have been obvious for one of ordinary skill in the art to form a container having a haze of about 0.067-0.534 %/mil as taught by Oas *et al.* ('288) using the process of Suga *et al.* ('540) because, Oas *et al.* ('288) specifically teach a desired haze of 2-8%, hence teaching that such values provide for an improved product and also because Suga *et al.* ('540) teaches the desirability of having a

highly transparent container, hence suggesting the haze values of Oas *et al.* ('288). Further, it is noted that the haze is a property of the resulting container, hence being dependent on the material and the process parameters. As such, because the process of Suga *et al.* ('540) in view of Oas *et al.* ('288) teach the claimed materials and process parameters, it is submitted that the container obtained by the process of Suga *et al.* ('540) in view of Oas *et al.* ('288) will also have the claimed haze properties.

In regard to claim 58, Suga *et al.* ('540) teaches an ethylene-propylene co-polymer (see col. 6, lines 19-28).

Specifically regarding claims 68-70 and 82-84, it is noted that the productivity of a molding process is dependent on the material being processed and the molding parameters, hence being a result effective variable. Therefore, it would have been obvious for one of ordinary skill in the art to have used routine experimentation in the process of Suga *et al.* ('540) in view of Oas *et al.* ('288) to determine an optimum production rate because it is well known that the productivity of a molding process is dependent on the material being processed and the molding parameters, hence being a result effective variable.

Regarding claims 59-60 and 73-74, Suga *et al.* ('540) teaches that it is well known to use DBS as a nucleating agent (see col. 1, lines 35-40).

In regard to claims 86-88, Suga *et al.* ('540) teaches a preform having a wall thickness of 1.5-6 mm (see col. 4, lines 17-18).

4. Claims 62 and 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suga *et al.* (US Patent No. 5,286,540) in view of Oas *et al.* (US Patent No. 4,357,288) and in further view of Rekers (US Patent No. 5,049,605).

Suga *et al.* ('540) in view of Oas *et al.* ('288) teach the basic claimed process as described above.

Regarding claims 62 and 76, although Suga *et al.* ('540) teach the use of di(alkylbenzylidene) sorbitol (see col. 1, line 32) as a nucleating agent, Suga *et al.* ('540) in view of Oas *et al.* ('288) do not specifically teach bis(3,4-dialkylbenzylidene) sorbitol acetal. However, the use of a nucleating agent to improve the transparency of the polypropylene molded container is well known as evidence by Rekers ('605) who teaches the use of bis(3,4-dialkylbenzylidene) sorbitol acetal as a nucleating agent, (see title and col. 1, lines 6-10). Therefore, it would have been obvious for one of ordinary skill in the art to provide bis(3,4-dialkylbenzylidene) sorbitol acetal as a nucleating agent as taught by Rekers ('605) in the process of Suga *et al.* ('540) in view of Oas *et al.* ('288) because, Rekers ('605) teaches that DBS (nucleating agent) provides for improved transparency, hence providing for an improved product and also because Suga *et al.* ('540) teach the use of di(alkylbenzylidene) sorbitol as a nucleating agent, hence suggesting bis(3,4-dialkylbenzylidene) sorbitol acetal.

5. Claim 61, 63, 75, 77 and 89-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga *et al.* (US Patent No. 5,286,540) in view of Oas *et al.* (US Patent No. 4,357,288) and in further view of Schmidt *et al.* (US2004/0063830 A1).

Suga *et al.* ('540) in view of Oas *et al.* ('288) teach the basic claimed process as described above.

Regarding claims 61, 63, 75, 77 and 89, although Suga *et al.* ('540) teach the use of DBS as a nucleating agent, Suga *et al.* ('540) in view of Oas *et al.* ('288) do not specifically teach 1,3-2,4-bis(3,4-dimethylbenzylidene) or 1,3-2,4-bis(4-methylbenzylidene) (see ¶¶ 4 and 128). However, the use of a nucleating agent to improve the transparency of the polypropylene molded container is well known as evidenced by Schmidt *et al.* (US2004/0063830 A1) who teaches the use of 1,3-2,4-bis(3,4-dimethylbenzylidene) or 1,3-2,4-bis(4-methylbenzylidene) as a nucleating agent, (see ¶¶ 4 and 128). Therefore, it would have been obvious for one of ordinary skill in the art to provide 1,3-2,4-bis(3,4-dimethylbenzylidene) or 1,3-2,4-bis(4-methylbenzylidene) as a nucleating agent as taught by Schmidt *et al.* (US2004/0063830 A1) in the process of Suga *et al.* ('540) in view of Oas *et al.* ('288) because, Schmidt *et al.* (US2004/0063830 A1) teaches that DBS (nucleating agent) provides for improved transparency, hence providing for an improved product and also because Suga *et al.* ('540) teach the use of DBS as a nucleating agent, hence suggesting 1,3-2,4-bis(3,4-dimethylbenzylidene) or 1,3-2,4-bis(4-methylbenzylidene).

In regard to claims 90-93, Oas *et al.* ('288) teach a polypropylene container having a wall thickness of 15-30 mils and a haze of 2-8%, hence teaching a haze per mil to be about 0.067-0.534 %/mil. Therefore, it would have been obvious for one of ordinary skill in the art to form a container having a haze of about 0.067-0.534 %/mil as taught by Oas *et al.* ('288) using the process of Suga *et al.* ('540) in view of Schmidt *et al.* (US2004/0063830 A1) because, Oas *et al.* ('288) specifically teach a desired haze of 2-8%, hence teaching that such values provide for an



improved product and also because Suga *et al.* ('540) teaches the desirability of having a highly transparent container, hence suggesting the haze values of Oas *et al.* ('288). Further, it is noted that the haze is a property of the resulting container, hence being dependent on the material and the process parameters. As such, because the process of Suga *et al.* ('540) in view of Oas *et al.* ('288) and in further view of Schmidt *et al.* (US2004/0063830 A1) teach the claimed materials and process parameters, it is submitted that the container obtained by the process of Suga *et al.* ('540) in view of Oas *et al.* ('288) and in further view of Schmidt *et al.* (US2004/0063830 A1) will also have the claimed haze properties.

Specifically regarding claim 94, Suga *et al.* ('540) teaches a polypropylene container having a wall thickness of 0.3 mm (11.8 mils) (see col. 7, line 1).

Regarding claims 95-97, it is noted that the productivity of a molding process is dependent on the material being processed and the molding parameters, hence being a result effective variable. Therefore, it would have been obvious for one of ordinary skill in the art to have used routine experimentation in the process of Suga *et al.* ('540) in view of Oas *et al.* ('288) and in further view of Schmidt *et al.* (US2004/0063830 A1) to determine an optimum production rate because it is well known that the productivity of a molding process is dependent on the material being processed and the molding parameters, hence being a result effective variable.

6. Claims 56-60, 64-70, 72-74, 78-84 and 86-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oas *et al.* (US Patent No. 4,357,288) in view of Suga *et al.* (US Patent No. 5,286,540).

Oas *et al.* ('288) teach the basic claimed process of injection stretch blow molding of a polypropylene container including, providing a polypropylene based composition, injecting said composition into a mold to form a preform, cooling and removing said preform from said injection mold, reheating said preform and blow molding said preform in a subsequent molding step to form said container having a wall thickness of 15-30 mils (see col. 4, line 3 and col. 5, lines 20-40). Further, Oas *et al.* ('288) teach a cylindrical parison having an outer diameter of 1.5 inches, a wall thickness of 0.16 inches and a height of 4.3 inches (see col. 6, lines 7-25). As known, the mass of an object is the product of the density and the volume of said object. In this case, a simple calculation results in a volume of  $2.89 \text{ in}^3$ . It is submitted that the density of polypropylene is  $0.9 \text{ g/cm}^3$ , which is about  $14.74 \text{ g/in}^3$ . Hence, the amount (mass) of polypropylene being injected is about 42.6 g. Oas *et al.* ('288) further teach a filling time of about 3-10 seconds (col. 5, lines 20-21). The injection mold fill rate can then be calculated to be about 4.26-14.2 g/seconds. Furthermore, Oas *et al.* ('288) teach that the resulting polypropylene container has a haze of 2-8%, hence teaching a haze per mil to be about 0.067-0.534 %/mil.

Regarding claims 56-57, 72 and 86-88, Oas *et al.* ('288) do not teach the melt flow index of the polypropylene composition and the wall thickness of the parison. Suga *et al.* ('540) teach a process of injection stretch blow molding of a polypropylene container including, providing a polypropylene based composition having a melt flow index of about 0.2-50 g/10 min (see col. 3, lines 60-63), injecting said composition into a mold to form a preform having a wall thickness of 1.5-6 mm, cooling and removing said preform from said injection mold, reheating said preform and blow molding said preform in a subsequent molding step to form said container having a

wall thickness of 0.3 mm (11.8 mils) (see col. 4, lines 3-30 and col. 7, line 1). Therefore, it would have been obvious for one of ordinary skill in the art to provide a polypropylene composition having a melt flow index of 0.2-50 g/10 min as taught by Suga *et al.* ('540) in the process of Oas *et al.* ('288) because, Suga *et al.* ('540) teaches that such a melt flow index value is well known to provide high transparency for polypropylene containers, hence providing for an improved product and also because Oas *et al.* ('288) desires to obtain a highly transparent polypropylene container, hence suggesting the melt flow index of Suga *et al.* ('540). Further, it would have obvious for one of ordinary skill in the art to provide a parison wall thickness of 1.5-6 mm as taught by Suga *et al.* ('540) in the process of Oas *et al.* ('288) because, Suga *et al.* ('540) teaches that such wall thickness value is well known to provide high transparency for polypropylene containers, hence providing for an improved product and also because Oas *et al.* ('288) desires to obtain a highly transparent polypropylene container, hence suggesting the parison wall thickness of Suga *et al.* ('540).

In regard to claim 58, although Oas *et al.* ('288) teach a polypropylene copolymer, Oas *et al.* ('288) do not teach an ethylene/propylene copolymer. However, the use of a ethylene/propylene copolymer to make a transparent container is well known as evidenced by Suga *et al.* ('540) who teaches an ethylene-propylene co-polymer to make a transparent container (see col. 6, lines 19-28). Therefore, it would have obvious for one of ordinary skill in the art to provide an ethylene/propylene copolymer as taught by Suga *et al.* ('540) to make the transparent container by the process of Oas *et al.* ('288) because, Suga *et al.* ('540) teaches that such copolymer is well known to provide high transparency for polypropylene containers, hence

providing for an improved product and also because Oas *et al.* ('288) desires to obtain a highly transparent polypropylene container, hence suggesting the ethylene/propylene copolymer of Suga *et al.* ('540).

Specifically regarding claims 59-60 and 73-74, Oas *et al.* ('288) do not teach a nucleating agent, specifically a DBS nucleating agent. However, the use of a DBS nucleating agent to improve transparency is well known as evidenced by Suga *et al.* ('540) who teaches the use of DBS as a nucleating agent (see col. 1, lines 35-40). Therefore, it would have obvious for one of ordinary skill in the art to provide a DBS nucleating agent as taught by Suga *et al.* ('540) in the process of Oas *et al.* ('288) because, Suga *et al.* ('540) teaches that a DBS nucleating agent provides high transparency for polypropylene containers, hence providing for an improved product and also because Oas *et al.* ('288) desires to obtain a highly transparent polypropylene container, hence suggesting the DBS nucleating agent of Suga *et al.* ('540).

Regarding claims 64-67 and 78-81, Oas *et al.* ('288) teach that the resulting polypropylene container has a wall thickness of 15-30 mils and a haze of 2-8%, hence teaching a haze per mil to be about 0.067-0.534 %/mil.

In regard to claims 68-70 and 82-84, it is noted that the productivity of a molding process is dependent on the material being processed and the molding parameters, hence being a result effective variable. Therefore, it would have been obvious for one of ordinary skill in the art to have used routine experimentation in the process of Oas *et al.* ('288) in view of Suga *et al.* ('540) to determine an optimum production rate because it is well known that the productivity of a

molding process is dependent on the material being processed and the molding parameters, hence being a result effective variable.

7. Claims 62 and 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oas *et al.* (US Patent No. 4,357,288) in view of Suga *et al.* (US Patent No. 5,286,540) and in further view of Rekers (US Patent No. 5,049,605).

Oas *et al.* ('288) in view of Suga *et al.* ('540) teach the basic claimed process as described above.

Regarding claims 62 and 76, although Suga *et al.* ('540) teach the use of di(alkylbenzylidene) sorbitol (see col. 1, line 32) as a nucleating agent, Oas *et al.* ('288) in view of Suga *et al.* ('540) do not specifically teach bis(3,4-dialkylbenzylidene) sorbitol acetal. However, the use of a nucleating agent to improve the transparency of the polypropylene molded container is well known as evidenced by Rekers ('605) who teaches the use of bis(3,4-dialkylbenzylidene) sorbitol acetal as a nucleating agent, (see title and col. 1, lines 6-10). Therefore, it would have been obvious for one of ordinary skill in the art to provide bis(3,4-dialkylbenzylidene) sorbitol acetal as a nucleating agent as taught by Rekers ('605) in the process of Oas *et al.* ('288) in view of Suga *et al.* ('540) because, Rekers ('605) teaches that DBS (nucleating agent) provides for improved transparency, hence providing for an improved product and also because Suga *et al.* ('540) teach the use of di(alkylbenzylidene) sorbitol as a nucleating agent, hence suggesting bis(3,4-dialkylbenzylidene) sorbitol acetal.

8. Claim 61, 63, 75, 77, 89-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oas *et al.* (US Patent No. 4,357,288) in view of Suga *et al.* (US Patent No. 5,286,540) and in further view of Schmidt *et al.* (US2004/0063830 A1).

Oas *et al.* ('288) in view of Suga *et al.* ('540) teach the basic claimed process as described above.

Regarding claims 61, 63, 75, 77 and 89, although Suga *et al.* ('540) teach the use of DBS as a nucleating agent, Oas *et al.* ('288) in view of Suga *et al.* ('540) do not specifically teach 1,3-2,4-bis(3,4-dimethylbenzylidene) or 1,3-2,4-bis(4-methylbenzylidene) (see ¶¶ 4 and 128). However, the use of a nucleating agent to improve the transparency of the polypropylene molded container is well known as evidenced by Schmidt *et al.* (US2004/0063830 A1) who teaches the use of 1,3-2,4-bis(3,4-dimethylbenzylidene) or 1,3-2,4-bis(4-methylbenzylidene) as a nucleating agent, (see ¶¶ 4 and 128). Therefore, it would have been obvious for one of ordinary skill in the art to provide 1,3-2,4-bis(3,4-dimethylbenzylidene) or 1,3-2,4-bis(4-methylbenzylidene) as a nucleating agent as taught by Schmidt *et al.* (US2004/0063830 A1) in the process of Oas *et al.* ('288) in view of Suga *et al.* ('540) because, Schmidt *et al.* (US2004/0063830 A1) teaches that DBS (nucleating agent) provides for improved transparency, hence providing for an improved product and also because Suga *et al.* ('540) teach the use of DBS as a nucleating agent, hence suggesting 1,3-2,4-bis(3,4-dimethylbenzylidene) or 1,3-2,4-bis(4-methylbenzylidene).

In regard to claims 90-94, Oas *et al.* ('288) teach that the resulting polypropylene container has a wall thickness of 15-30 mils and a haze of 2-8%, hence teaching a haze per mil to be about 0.067-0.534 %/mil.

In regard to claims 95-97, it is noted that the productivity of a molding process is dependent on the material being processed and the molding parameters, hence being a result effective variable. Therefore, it would have been obvious for one of ordinary skill in the art to have used routine experimentation in the process of Oas *et al.* ('288) in view of Suga *et al.* ('540) and in further view of Schmidt *et al.* (US2004/0063830 A1) to determine an optimum production rate because it is well known that the productivity of a molding process is dependent on the material being processed and the molding parameters, hence being a result effective variable.

***Response to Remarks and Declaration Filed Under 1.132 on 8/31/2006***

9. Applicant's arguments filed August 31, 2006 have been considered but are moot in view of the new ground(s) of rejection.

10. The Declaration filed under 37 CFR 1.132 filed on 8/31/2006 is insufficient to overcome the rejection of claims 56-70, 72-84, 86-97 due to the following:

(a) The Declaration is not commensurate in scope with the claimed invention because the Declaration discusses a 2-stage injection stretch blow molding process, whereas the claimed invention is not limited to such a process (see ¶ 13 of the Declaration filed on 8/31/2006). Specifically, the step of cooling to ambient temperature prior to reheating is not claimed.

(b) The Declaration includes facts that are not germane to the rejection at issue because a new ground(s) of rejection has been applied (see ¶¶ 9-12 of the Declaration filed on 8/31/2006).

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (571) 272-1208. The examiner can normally be reached on Monday-Friday 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stefan Staicovici, PhD



Primary Examiner

2/8/07

AU 1732

February 8, 2007